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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,662	06/26/2003	Werner P. Schlecht	Ruff 11	4718
23474	7590	11/19/2004	EXAMINER	
FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1699			NGUYEN, HUNG T	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,662

Applicant(s)

SCHLECHT ET AL.

Examiner

Hung T. Nguyen

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/29/03 & 7/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the loading" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the state" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the current velocity" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the ground" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the surroundings" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmermann et al. (U.S. Pub. # 2001/0030599).

Regarding claim 1, Zimmermann discloses a device having sensors (4) for monitoring a cargo (2) is located inside of a vehicle (1). [figs.1-4, paragraph 0006 & 0008 and 0017] comprising:

- a plurality of sensors (4) are located on the bottom of cargo area / side walls as desired for detecting a load object / element (2) in the cargo area in properly position as even the load object is moving in a small displacement [figs.1-4, col.2, paragraphs 0017 & 0020-0021];
- the sensors (4) can be used for preventing a theft condition [figs.1-4, paragraphs 0020-0022];
- an alarm signal is activated to a driver when the load object / element (2) in the cargo area is moving away their original position / different thresholds which can be detected / by analyzer unit [paragraphs 0018 & 0020-0022].

The reference of Zimmermann does not specifically mention the system is used for protecting / protective devices as claimed by the applicant.

However, those skilled in the art will recognize that the device of Zimmermann may detect protective devices / **any load object / elements as desired** because the device having a

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plurality of sensors (4) which are located on the bottom of cargo area / side walls for detecting a load object / element (2) in the cargo area in properly position as even the load object is moving in a small displacement and an effective anti-theft system without any danger of excessively frequent false alarms triggered for a relatively slight displacement of elements (20 of the load [figs.1-4, col.2, paragraphs 0017-0022].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the device of Zimmermann monitoring / detecting & protecting any movement of the load material / protective devices in the cargo area in the vehicle in the form of the load elements.

Regarding claim 2, Zimmermann discloses the plurality of sensors (4) are located on the bottom of cargo area / side walls as desired for detecting a load object / element (2) in the cargo area in **properly position** as even the load object is moving in a small displacement [figs.1-4, col.2, paragraphs 0017 & 0020-0021];

- the alarm signal is activated to a driver when the load object / element (2) in the cargo area is **moving away their original position** / different thresholds which can be detected / by analyzer unit [paragraphs 0018 & 0020-0022].

Regarding claims 3-5, Those skilled in the art will recognize that the plurality of sensors (4) must be transmitter or receiver devices which are located on the bottom of cargo area / side walls as desired for detecting a load object / element (2) in the cargo area in **properly position** as even the load object is moving in a small displacement [figs.1-4, col.2, paragraphs 0017 & 0020-0021].

Regarding claims 6-7, Zimmermann discloses the plurality of sensors (4) can be considered as transmitter or receiver devices which are located on the bottom of cargo area of the vehicle (1) / side walls as desired for detecting a load object / element (2) in the cargo area in **properly position** as even the load object is moving in a small displacement in driving condition in the streets [figs.1-4, col.2, paragraphs 0017 & 0020-0021].

Regarding claims 8-9, Zimmermann discloses the plurality of sensors (4) are located on the bottom of cargo area / side walls as desired for detecting a load object / element (2) in the cargo area in **properly position** as even the load object is moving in a small displacement and an effective anti-theft system without any danger of excessively frequent false alarms triggered for a relatively slight displacement of elements (20 of the load [figs.1-4, col.2, paragraphs 0017-0022] and

- the alarm signal is activated to a driver when the load object / element (2) in the cargo area is **moving away their original position** / different thresholds which can be detected / by analyzer unit [paragraphs 0018 & 0020-0022].

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- von Lange et al. (U.S. 5,839,757) Protection device for combination vehicles.

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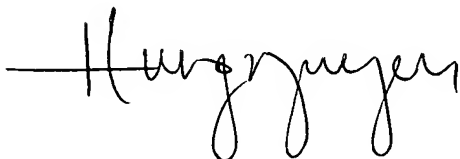
- Moker (U.S. 6,004,084) Loading securing arrangement for a loading space of a motor vehicle.
- Krueger (U.S. 6,177,876) Pressure sensitive alarm component.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982.

The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Hung T. Nguyen', with a horizontal line extending to the left.

Examiner: Hung T. Nguyen

Date: Nov. 12, 2004